

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Dwight Freeman,	:	
Plaintiff	:	Civil Action 2:09-cv-00565
v.	:	Judge Marbley
Director Terry Collins, <i>et al.</i> ,	:	Magistrate Judge Abel
Defendants	:	

ORDER

Dwight Freeman, a inmate at the Ohio State Penitentiary, brings this prisoner civil rights action under 42 U.S.C. §1983. This matter Magistrate Judge Abel's February 11, 2011 Report and Recommendation that recommending that defendant Hill and Pack's November 17, 2010 motion for judgment on the pleadings be denied. No objections have been filed.

Upon *de novo* review in accordance with the provisions of 28 U.S.C. §636(b)(1)(B), the Court **ADOPTS** the Report and Recommendation and **DENIES** defendant Hill and Pack's November 17, 2010 motion for judgment on the pleadings (doc. 42). To the extent that Freeman is suing defendants Hill and Pack in their official capacity, however, they are immune from suit under the Eleventh Amendment. Plaintiff's claims against defendants Hill and Pack in their official capacity are DISMISSED.

s/ Algenon L. Marbley
Algenon L. Marbley
United States District Judge